

STATEMENT OF REP. JOHN CONYERS, JR.
Committee on the Judiciary
Markup of H.R. 3313, the "Marriage Protection Act of 2003"
Jackson Lee Supreme Court Review Amendment
Wednesday, July 14, 2004

I rise in support of this amendment, which would preserve Supreme Court review of the Defense of Marriage Act.

In their zeal to score political points in an election year, the President and conservative Republicans have raised the issue of same sex marriage. They seem not to care that this issue is more likely to divide the nation than unite it.

Because they know they cannot pass a constitutional amendment to ban same sex marriage, they are trying to prevent court review of their other discriminatory law, the 1996 Defense of Marriage Act.

This shows the Republicans are afraid that a law they passed eight years ago is unconstitutional. What is the Republican remedy? It is not to repeal the unconstitutional law but to block court review of it. That is typical - if people won't like your dirty laundry, don't let it get aired.

I think my colleagues on the other side of the aisle would support this because, in the Winter of 2000, they strongly believed in the abilities of the Supreme Court.

This amendment also would cure a constitutional problem with the underlying bill. The Constitution and *Marbury v. Madison* state clearly that it is the province of the courts to interpret and review federal laws. The Constitution does not say Congress can prevent the Supreme Court from reviewing discriminatory and bigoted laws.

I urge my colleagues to vote "Yes" on this amendment.